

REMARKS

Claims 1-41 are pending in the above identified application. The Examiner has “provisionally rejected [claims 1-41] under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-50 of copending Application No 10/310255 and claims 1-50 of copending Application No. 10/167158.” Applicants herein traverse this rejection.

The Examiner states that “[a]lthough the conflicting claims are not identical, they are not patentably distinct from each other because they disclose such common subject matter of a transceiver chip comprising transmitter section, up-converter transmitter, receiver section, down-converter receivers, and base-band section.” However, the present application does not claim or disclose specifically “a baseband receiver” that receives “a baseband signal” as is recited in claims 1 and 42 of Application Nos. 10/310255 and 10/157158 or “receiving a transmitted signal from a transmission medium into a baseband receiver and one or more down-converting receivers” as is recited in claim 31 of Application Nos. 10/310255 and 10/157158.

The present application does not specifically disclose or claim a baseband receiver and instead discloses a plurality of transmission bands. The further limitation of “a baseband receiver” that is disclosed and claimed in Application Nos. 10/310255 and 10/157158 is not obvious from the disclosure of a plurality of transmission bands taught and claimed in the present application. Therefore, the scope of the claims of the present application is significantly different than the scope of the claims in Application Nos. 10/310255 and Application Nos. 10/157158.

Therefore, claims 1-41 of the present application should not be rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-50 of copending Application No. 10/310255 or claims 1-50 of copending Application No. 10/167158.


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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